

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV341-1-MU

JONEKA DARCELL LOVE,

Petitioner,

v.

GASTON COUNTY SHERIFF,

Respondent.

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ORDER

THIS MATTER comes before the Court upon Petitioner's Motion to Reconsider, filed August 17, 2006.

On August 9, 2006, Petitioner filed a federal habeas petition. On August 14, 2006, this Court dismissed Petitioner's federal habeas petition without prejudice for failure to sign his petition, for failure to exhaust his state court remedies, and for failure to name the correct respondent. Petitioner has now filed a Motion to Reconsider asserting that he was unaware that he was required to sign his federal habeas petition and requesting that the Court hear his petition.

Petitioner does not refute any of the three bases for this Court's dismissal of his federal habeas petition and thus his Motion to Reconsider will not be granted. In addition, this Court notes that the dismissal was without prejudice. Consequently, Petitioner may file another federal habeas petition correcting the deficiencies of his prior petition. The Court notes however that in addition to signing a future petition and naming the correct respondent, Petitioner should be prepared to establish that he exhausted his state court remedies or his petition could again be

dismissed on that basis.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion to Reconsider is
DENIED .

Signed: August 25, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

